

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Gevacio Martinez, et al.,

No. C 05-03904 JW

Plaintiffs,

**ORDER CONTINUING STAY AND CASE  
MANAGEMENT CONFERENCE**

v.

Werner Co., et al.,

Defendants.

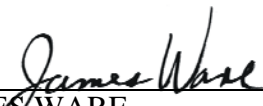
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This case is presently scheduled for a Case Management Conference on **October 15, 2007**. The Court has previously granted a stay in the case due to pending bankruptcy proceedings as to one of the Defendants, Werner Co. (See Docket Item No. 18.) The stay was set to expire on October 15, 2007. On October 5, 2007, the parties requested an additional three month stay because the bankruptcy court has extended its stay to Defendant Werner's retailers due to contractual indemnity issues and that the bankruptcy stay is still in effect to both Werner Co. and Home Depot, USA, Inc. (See Docket Item No. 19.) However, the parties' request provides no detail regarding the implications of the bankruptcy proceedings on the present action, particularly on the liability issues of Defendant Home Depot, Inc.

Accordingly, the Court continues the Case Management Conference to **October 29, 2007** at **10 a.m.** The stay is extended until October 29, 2007. The parties shall submit a joint case

1 management statement by **October 19, 2007**. The statement shall specifically address why the case  
2 should not be bifurcated so that the proceedings against Defendant Home Depot may proceed.

3  
4 Dated: October 11, 2007

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

Bryan James Metzger jmetzger@stl-lawoffices.com  
John Charles Stein boccardo@boccardo.com  
John W. Shaw jshaw@stl-lawoffices.com

**Dated: October 11, 2007**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers  
Elizabeth Garcia  
Courtroom Deputy**

**United States District Court**  
For the Northern District of California